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February 4, 2016

Hon. Joseph A. Dickson, U.S.M.J.
United States District Court, District of New Jersey
M.L. King Jr. Federal Bldg. & U.S. Courthouse
50 Walnut Street
Newark, N.J. 07102

Re: *Roper & Twardowsky, LLC v. Stephen L. Snyder, et al.*
Case No. 2:13-cv-03945-ES-JAD

Dear Judge Dickson:

This office represents Defendants in the above captioned matter. I write regarding the current deadline for experts' reports, which pursuant to the Pretrial Scheduling Order entered on May 12, 2015 is presently February 29, 2016.

As per the Scheduling Order Interrogatories and Requests to Produce Documents were served on Plaintiff on June 29, 2015. Responses were due on July 29, 2015. When communications with Plaintiff still did not result in responses this office wrote a letter to the Court on September 8, 2015 seeking permission to file a motion to compel. The next day purported responses were served, and a deficiency letter was sent to Plaintiff on September 18, 2015. When there was no substantive response to the deficiency letter, this office wrote to the Court on October 14, 2015 requesting permission to file a motion. On October 29, 2015 Your Honor entered an order giving Plaintiff another two weeks to respond to the deficiency letter. Plaintiff finally responded to the deficiency letter on November 9, 2015, and this office again wrote to Your Honor on November 11, 2015, pointing out that Plaintiff had not resolved any of the deficiencies and again asking that Defendants be permitted to file a motion. On December 2, 2015 the Court gave this office permission to file a motion.

The motion was filed on December 18, 2015, returnable January 19, 2016 and no opposition was filed. To date the Court has not ruled on our unopposed motion to compel.

As I hope is evident from the above procedural history, Defendants have acted promptly in all respects in their efforts to secure discovery from Plaintiff. Nonetheless

months have passed, Defendants still do not have the discovery sought, and are now faced with the impending deadline for an expert's report, which cannot be obtained without knowing what if any further discovery Defendants will be provided, what if any follow up discovery may be needed based on the compelled answers/documents, and what additional information relevant to an expert's review is yet to be found in the missing discovery.

I understand that precise revised dates cannot be set before the Court makes its decision on the motion to compel, but I respectfully request that the Court advise that Defendants will not be held to the current February 29, 2016 expert report deadline while we await a decision on the pending motion.

Respectfully submitted,



MADELINE L. HOUSTON

Via ECF

cc: Angela Roper, Esq./Kenneth Thyne, Esq. via ECF